

REMARKS

Applicant thanks the Examiner for acknowledging that claims 3, 4, 7-10 and 16 contain allowable subject matter. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The drawings have been amended. Claim 2 is requested to be cancelled. Claims 1, 3, 5 and 15 are currently being amended. This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Information Disclosure Statement

Applicant thanks the Examiner for considering the Information Disclosure Statement submitted on 6/12/02.

Drawings

Applicant thanks the Examiner for accepting the drawings filed on 6/12/02. Applicant has amended drawing Figures 2 and 3. The specific change that has been made to Figure 2 is that a line connecting the specific-code deleter 10 and the data switch 5 has been added. The specific change that has been made to Figure 3 is that a line connecting the specific-code deleter 10 and the data switch 5 has been added. This amendment is supported by at least pages 14 and 16 of the specification. Thus, Applicant submits that no new matter has been added and respectfully requests that the amended drawings be considered and allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 5, 6, 11-15 and 17-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0080414 ("Tanimoto").

In response, without agreeing or acquiescing to the rejection, Applicant has amended claims 1 and 15 to include the recitations of canceled claim 2. Applicant respectfully submits that the above amended claims are allowable for at least the following reasons.

The Applicant respectfully traverses the rejection of independent claims 1 and 15 as amended. Applicant relies on M.P.E.P. § 2131, entitled “Anticipation-Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicant respectfully submits that Tanimoto does not describe each and every element of claims 1 and 15 as amended.

The claims contain the recitation of features that are not present in the device of Tanimoto. Amended independent claims 1 and 15 are directed toward an image communications system for receiving fax image data, converting the received fax image data into Internet-fax data and transferring Internet-fax data to an Internet terminal. Fax image data is supplied via a communications network. The claimed system includes a comparator to compare an encoding mode for the received fax image data and an encoding mode for the Internet-fax data for the Internet terminal. As claimed in independent claims 1 and 15 the comparator further includes a mode comparator, a detector and a data switch. The detector detects whether or not there is a match between the encoding mode for the received fax image data and the encoding mode for the Internet-fax data. If there is a match, the data switch then outputs the fax image data to a converter. If there is no match, the data switch outputs Internet-fax image data generated by the claimed system to the converter. The converter as claimed in claims 1 and 15 adds format data for the Internet-fax data to the received fax image data.

In contrast, Tanimoto is directed toward an Internet facsimile communication system that transmits and receives image data via the Internet using electronic mail (“email”). (*See* paragraph 3.) As described in paragraph 49 of the specification, the system described in Tanimoto is configured to send image data in an email. The system is also configured to receive an email containing image data, and then print the received image data. To send and receive email, the system uses SMTP (Simple Mail Transfer Protocol) and POP3 (Post Office Protocol). Thus, the system described in Tanimoto contemplates receiving and transmitting image data in a uniform format using two known email protocols. Accordingly, the Tanimoto system does not convert received fax image data into Internet-fax data as recited in claims 1 and 15.

In the office action, paragraphs 83-89 and Figs. 9 and 10 of Tanimoto were identified as disclosing the claimed invention. However, these paragraphs and figures relate to identifying the header signal of an email and carrying out instructions based on the received header signal. (See paragraph 89.) For example, these signals indicate whether an error in transmission has occurred or whether a transmission should be terminated. Nowhere in the disclosure of Tanimoto is there disclosed or suggested a comparator for comparing the encoding mode of received fax image data with that of the encoding mode for Internet-fax data. Tanimoto also fails to disclose or suggest a detector for detecting an encoding mode match as well as a data switch for outputting the received fax image data to a converter if there is a match and for outputting generated Internet-fax image data to the converter if there is no match. Moreover, Tanimoto fails to disclose or suggest a converter for converting received fax data into Internet fax data.

Dependent claims 3-14 and 16-20 depend from one of independent claims 1 and 15 and are therefore patentable for at least the same reasons. Accordingly, Applicant submits that claims 1 and 3-20 are not anticipated by Tanimoto and are therefore allowable. Thus, Applicant respectfully requests that the rejections under U.S.C. § 102(e) be withdrawn and claims 1, and 3-20 be allowed.

Conclusion

After amending the claims as set forth above, claims 1 and 3-20 are now pending in this application. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 1/6/06

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